protected by the Constitution, and in *Wichita Railroad & Light Co. v. Public Utilities Commission* (1922), 260 US 48, 67 L ed 124, 43 S Ct 51, that such customers must be afforded a hearing with all of the incidents of due process, before the utility's charges to them can be finally increased by state action.

The California Commission's action here clearly contravenes those decisions and violates the appellants' Fourteenth Amendment rights. The judgment below sustained that action and consequently it should be reversed by this Court.

II. THE APPEAL RAISES SUBSTANTIAL FEDERAL QUESTIONS.

The mere statement of the facts shows that the judgment below conflicts with this Court's decisions and demonstrates violation of the appellants' Fourteenth Amendment rights, so upon that basis alone the questions presented are obviously so substantial as to fully support this Court's consideration on the merits.

Beyond the impact of the judgment upon the appellants and the other customers in the Los Angeles area whom they represent, however, is the importance of an unequivocal determination by this Court to sound public utility regulatory proceedings in California and throughout the nation.

Each of the *amici* cities has in the past appeared as a party in rate proceedings before the California

Public Utilities Commission, in its own behalf and as the representative of the other customers within its area.

These *amici* submit that in any quest for the facts, for truth, and for just and sound conclusions, there can be no substitute for an open hearing, with representation of adversary interests, and with full scope cross-examination and offers of evidence and of argument. In other words, "due process" is not simply a hollow phrase: it connotes at the least the minimum requirements for determining the truth and for securing justice and fair play where the force of the law is to take effect.

There can safely be no substitution of grace or privilege for absolute rights in this complex. Public Utility customers are either entitled to be heard by an administrative regulatory commission, as a matter of right, or they are not. If they are not so entitled to be heard their representations to the commission, by its mere favor, will ring hollowly indeed. Nor can it be supposed, if such be the law, that the customers will in the future stoutly assert their claims. Realism would suggest rather that the problems of regulation will then be determined in commission chambers, according to the utilities' representations alone, and that in this field at least public administration in the United States may come to resemble the promulgation of royal decrees.

Such is not the pattern of American policy, for that pattern is engraved in the due process and equal protection requirements of the Fourteenth Amendment.

CONCLUSION.

Decision No. 55936 of the California Public Utilities Commission deprived the appellants and those they represent of their properties without due process of law, and denied them the equal protection of the laws. The judgment of the Court below, refusing to review and annul that decision, extended judicial approval to these Fourteenth Amendment violations, and it should be reversed by this Court.

Respectfully submitted,

HARRY C. WILLIAMS,
City Attorney, Azusa, California

FRED C. HUTCHINSON,
City Attorney, Berkeley, California

ROBERT E. MICHALSKI,
City Attorney, Beverly Hills, California

ARCHIE L. WALTERS,
City Attorney, Burbank, California

M. TELLEFSON,
City Attorney, Culver City, California

JOHN H. LAUTEN,
City Attorney, Fresno, California

HENRY MCCLERNAN,
City Attorney, Glendale, California

ALLEN GRIMES,
City Attorney, Modesto, California

JOHN W. COLLIER,
City Attorney, Oakland, California

FRANK L. KOSTLAN,
City Attorney, Pasadena, California

ARLO E. RICKETT, JR.,
City Attorney, Pomona, California

EVERETT M. GLENN,
City Attorney, Sacramento, California

JEAN DU PAUL,
City Attorney, San Diego, California

NEVILLE R. LEWIS,
City Attorney, San Fernando, California

STANLEY E. REMELMEYER,
City Attorney, Torrance, California

EVERETT M. GLENN,
City Attorney, Sacramento, California,
and Member of the Bar of
The Supreme Court of The United States.